

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, DECEMBER 10, 2015  
6:30 P.M. COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chair David Parker, Vice Chair Ron Cabanayan, Commissioner Rajwant Bains, Commissioners Karen Parsons, Andrew Ditlevsen, Timothy Kenny and Robyn Shearin.

Staff Present: Joseph Hatfield, Code Enforcement Supervisor  
Karla Cáceres, Appeals Hearing Board Secretary  
Kevin Hirabayashi, Code Enforcement Inspector  
Michael Epp, City of San Jose Police Officer  
Rachel Roberts, Code Enforcement Acting Division Manager  
Roger Beaudoin, Code Enforcement Supervisor  
Todd Waltrip, Code Enforcement Supervisor  
Rosa Tsongtaatarii, Senior Deputy City Attorney

2. **Approval of Minutes**

Commissioner Parsons made the motion Commissioner Kenny seconded the motion to approve the minutes of November 12, 2015.

AYES: Cabanayan, Ditlevsen, Kenny, Parker, Parsons and Shearin

NAYS:

ABSENT: Bains

3. **Requests for Deferrals**

None

4. **Public Hearings**

- a. **1142 CAMERON PLACE (373-22-029) SUMMARY ABATEMENT**  
(Carolyn Slezak, Inspector / Ying Li & Xuheng Tang, Property Owner)

Motion by Commissioner Parsons, seconded by Commissioner Bains to approve the Consent Calendar for the property located at 1142 Cameron Place.

AYES: Bains, Cabanayan, Ditlevsen, Kenny, Parker, Parsons and Shearin

NAYS:

ABSENT:

5. **Deferred and/or Continued Items**

None

6. **Public Hearings**

a. **1593 MONTEREY ROAD (434-24-057) Administrative Remedy**

(Kevin Hirabayashi, Inspector / Tinaluu LLC & Agent for Service of Process: Kien Giang Luong, Property Owner)

Code Enforcement Inspector Supervisor Kevin Hirabayashi gave a summary of the inspections at the subject property. Staff clarified that the packets for the items for today's Appeals Hearing Board meeting were served on the property owners on November 25, 2015. The Proof of Service for each packet will be revised to reflect the correct date.

There was a motion by Commissioner Kenny, seconded by Commissioner Bains, to order as follows:

Motion to uphold the Staff's recommendation and adopt a resolution that on or before January 26, 2016, the Property Owner shall pay Administrative Penalties to the City of San Jose, pursuant to San Jose Municipal Code Section 1.14.090, in the amount of \$25,000.00, which would equal \$2,500.00 per day for 10 Days. The Property Owner shall pay additional Administrative Penalties in the amount of **\$2,500.00** per day for each day that the Property Owner is not in full compliance with the Board's Order, beginning 12/12/2015 until the date of compliance with the Board's Order, up to a maximum of \$100,000.00. If the Administrative Penalties are not paid and are recorded as a lien on the real property pursuant to San Jose Municipal Code Sections 1.14.160 and 1.14.180, as may be amended, an interest rate of ten percent (10%) per annum shall be charged on the principal amount of the administrative lien, from the date the lien is first recorded until the date that payment is received by the City, consistent with California Code of Civil Procedure Section 685.010, as may be amended.

AYES: Bains, Cabanayan, Ditlevsen, Kenny, Parker, Parsons and Shearin  
NAYS:  
ABSENT:

7. **Request for Excused Absence**
8. **Other Business**
9. **Open Forum - Oral Communication from the Public**
10. **Adjournment**

Commissioner Parker asked that they adjourned the meeting in honor of the San Bernardino victims. There was a motion by Commissioner Kenny, seconded by Commissioner Parsons to adjourn the meeting in honor of the San Bernardino victims. Chair Parker adjourned the meeting at 6:46 p.m. The next regular meeting will be held January 28, 2016 at 6:30 p.m. in the City Hall Council Chambers.